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SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1267 (1999)
CONCERNING AFGHANISTAN

NOTE VERBALE DATED 4 FEBRUARY 2000 FROM THE PERMANENT MISSION OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE

The Permanent Mission of Malta to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan and has the honour to inform the Chairman that the Maltese authorities have taken the following measures in order to implement paragraph 4 of that resolution:

(a) The provisions of Security Council resolution 1267 (1999) have been brought to the attention of all ministries, parliamentary secretariats and government departments for necessary action towards the implementation of the resolution;

(b) Furthermore, by virtue of Act No. XX of 1993, regulations have been established by legal notice No. 214 of 1999 dated 21 December 1999, enabling those measures provided for in paragraph 4 of Security Council resolution 1267 (1999) to be applied effectively. The text of that legal notice is attached (see annex).

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Annex

Legal notice No. 214 of 1999

UNITED NATIONS (SECURITY COUNCIL SANCTIONS)

ACT, 1993

(ACT NO. XX OF 1993)

United Nations Sanctions (Taliban) Regulations, 1999

In exercise of the powers conferred by section 3 of the United Nations (Security Council Sanctions) Act, 1993, the Prime Minister has made the following regulations:

1. Citation: The title of these regulations is the United Nations Sanctions (Taliban) Regulations, 1999.

2. Interpretation: In these regulations, unless the context otherwise requires:

"The Act" means the United Nations (Security Council Sanctions) Act, 1993;

"Aircraft" includes a military aircraft of the Taliban or in the service of the Taliban or an aircraft that, not being a military aircraft, is owned, leased or operated by or on behalf of the Taliban;

"The Committee" means the Committee established in terms of paragraph 6 of the resolution referred to in regulation 3 hereof;

"Person" includes a body or other association of persons, whether such body or association is corporate or unincorporate;

"Taliban" means the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan.

3. Text of resolution: For the purpose of subsection 2 of section 3 of the Act, resolution 1267 (1999), adopted by the Security Council of the United Nations on 15 October 1999, is published in the Schedule to these regulations.

4. Application of sanctions: (1) Notwithstanding any other law, no permission shall be granted for any aircraft to take off from or land in Malta if it is owned, leased or operated by or on behalf of the Taliban except as provided in the said resolution:

Provided that the provisions of this paragraph shall not apply to flights that have been approved in advance by the Committee on the grounds of humanitarian need, including religious obligation such as the performance of the hajj.

(2) Notwithstanding any other law, no citizen of Malta and no person in Malta shall:

(a) Whether directly or indirectly, withdraw or attempt to withdraw or use or attempt to use any funds or other financial resources owned or controlled, directly or indirectly, by the Taliban, or by any undertaking owned or controlled by the Taliban, except as provided in the said resolution;

(b) Whether directly or indirectly, pay or attempt to pay, to or for the benefit of the Taliban or any other undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need:

Provided that the provisions of subparagraph (b) hereof shall not apply to funds and other financial resources that may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need, provided that such funds and other financial resources are paid into separate accounts, with the Central Bank of Malta, exclusively for such funds.

5. Penalty: Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine (multa) not exceeding 50,000 Maltese liri.